

EXPOSURE DRAFT

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Inserts for
**Tax and Superannuation Laws
Amendment (2014 Measures No. 3) Bill
2014: Winter miscellaneous amendments**

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1.		
2. Schedule ??, Part 1, Division 1	The day this Act receives the Royal Assent.	
3. Schedule ??, item 97	The day this Act receives the Royal Assent. However, if the <i>Farm Household Support Act 2014</i> receives the Royal Assent on or before that day, the provision(s) do not commence at all.	
4. Schedule ??, item 98	The later of: (a) the start of the day this Act receives the Royal Assent; and (b) immediately after the start of the day the <i>Farm Household Support Act 2014</i> receives the Royal Assent. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	
5. Schedule ??, Part 2	At the same time as Part 2 of Schedule 1 to the <i>Excise Tariff Amendment (Tobacco) Act 2014</i> commences. However, if that Part does not commence, the provision(s) do not commence at all.	1 December 2013
6. Schedule ??, Parts 3 and 4	The day this Act receives the Royal Assent.	
7. Schedule ??,	Immediately after the commencement of	1 July 2012

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
item 169	item 16 of Schedule 3 to the <i>Minerals Resource Rent Tax (Consequential Amendments and Transitional Provisions) Act 2012</i> .	
8. Schedule ??, items 170 and 171	Immediately after the commencement of item 34 of Schedule 13 to the <i>New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Act 2002</i> .	29 June 2002
9. Schedule ??, item 172	Immediately after the commencement of item 19 of Schedule 15 to the <i>New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Act 2002</i> .	24 October 2002
10. Schedule ??, items 173 and 174	The earlier of: (a) the day this Act receives the Royal Assent; and (b) 1 July 2014.	
11. Schedule ??, item 175	Immediately after the commencement of item 55 of Schedule 1 to the <i>Tax Laws Amendment (2009 Budget Measures No. 2) Act 2009</i> .	14 December 2009
12. Schedule ??, item 176	Immediately after the commencement of item 29 of Schedule 6 to the <i>Tax Laws Amendment (2011 Measures No. 9) Act 2012</i> .	22 December 1999
13. Schedule ??, item 177	Immediately after the commencement of item 83 of Schedule 6 to the <i>Tax Laws Amendment (2011 Measures No. 9) Act 2012</i> .	21 March 2012
14. Schedule ??, item 178	Immediately after the commencement of item 140 of Schedule 6 to the <i>Tax Laws Amendment (2011 Measures No. 9) Act 2012</i> .	21 March 2012
15. Schedule ??, item 179	Immediately after the commencement of item 12 of Schedule 1 to the <i>Tax Laws Amendment (2012 Measures No. 3) Act 2012</i> .	21 June 2012
16. Schedule ??, items 180 and 181	Immediately after the commencement of section 4 of the <i>Tax Laws Amendment (2012 Measures No. 6) Act 2013</i> .	28 June 2013

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Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
17. Schedule ??, items 182 and 183	Immediately after the commencement of Part 6 of Schedule 3 to the <i>Tax Laws Amendment (Research and Development) Act 2011</i> .	8 September 2011

Schedule ??—Miscellaneous amendments

Part 1—References to specific Ministers, Departments and Secretaries

Division 1—Main amendments

A New Tax System (Goods and Services Tax) Act 1999

1 Paragraphs 79-100(1)(b) and (c)

Omit “Treasurer”, substitute “Minister”.

2 Subsection 79-100(2) (heading)

Repeal the heading, substitute:

Minister to determine business vehicle use fraction for 2003-4 to 2006-7 financial years using statistical information

3 Subsection 79-100(2)

Omit “the Treasurer”, substitute “the Minister”.

4 Subsection 79-100(3) (heading)

Repeal the heading, substitute:

Minister to use later statistical information to determine whether average input tax credit fraction to be varied for later financial years

5 Subsection 79-100(3)

Omit “the Treasurer” (wherever occurring), substitute “the Minister”.

6 Subsection 79-100(6)

Omit “Treasurer”, substitute “Minister”.

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1 *Income Tax Assessment Act 1936*

2 **7 Subsection 6(1) (definition of *Agriculture Secretary*)**

3 Repeal the definition.

4 **8 Subsection 6(1) (definition of *Arts Department*)**

5 Repeal the definition.

6 **9 Subsection 6(1) (definition of *Arts Minister*)**

7 Repeal the definition.

8 **10 Subsection 6(1) (definition of *Arts Secretary*)**

9 Repeal the definition.

10 **11 Subsection 6(1) (paragraph (a) of the definition of**
11 ***Commonwealth securities*)**

12 Omit “Treasurer”, substitute “Minister”.

13 **12 Subsection 6(1) (definition of *Education Department*)**

14 Repeal the definition.

15 **13 Subsection 6(1) (definition of *Health Department*)**

16 Repeal the definition.

17 **14 Subsection 6(1) (definition of *Health Secretary*)**

18 Repeal the definition.

19 **15 Subsection 6(1) (definition of *Housing Secretary*)**

20 Repeal the definition.

21 **16 Subsection 6(1) (definition of *Immigration Department*)**

22 Repeal the definition.

23 **17 Subsection 6(1) (definition of *Immigration Minister*)**

24 Repeal the definition.

25 **18 Subsection 6(1) (definition of *Immigration Secretary*)**

26 Repeal the definition.

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1 **19 Subsection 6(1) (definition of *Research Department*)**

2 Repeal the definition.

3 **20 Subsection 6(1) (definition of *Research Minister*)**

4 Repeal the definition.

5 **21 Subsection 6(1) (definition of *Research Secretary*)**

6 Repeal the definition.

7 **22 Subsection 6(1) (definition of *Trade Department*)**

8 Repeal the definition.

9 **23 Subsection 6(1) (definition of *Trade Minister*)**

10 Omit “section 1 of”.

11 **24 Subsection 6(1) (definition of *Trade Secretary*)**

12 Repeal the definition.

13 **25 Subsection 6(1) (definition of *Veterans’ Affairs*
14 *Department*)**

15 Repeal the definition.

16 **26 Subsection 6(1) (definition of *Veterans’ Affairs Minister*)**

17 Repeal the definition.

18 **27 Subsection 6(1) (definition of *Veterans’ Affairs Secretary*)**

19 Repeal the definition, substitute:

20 *Veterans’ Affairs Secretary* means the Secretary of the
21 Department administered by the Minister administering the
22 *Veterans’ Entitlements Act 1986*.

23 **28 Subsection 73A(6)**

24 Insert:

25 *Research Secretary* means the Secretary of the Department
26 administered by the Minister administering the *Australian*
27 *Research Council Act 2001*.

28 **29 Subsections 79B(1B), (5) and (5A)**

29 Omit “Treasurer” (wherever occurring), substitute “Minister”.

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1 **30 Subsection 82CB(1) (definition of *RHQ company*)**

2 Omit “Treasurer”, substitute “Minister”.

3 **31 Sections 82CD and 82CE**

4 Omit “Treasurer” (wherever occurring), substitute “Minister”.

5 **32 Subsections 128AE(2), (2AA), (2AB), (2AC), (2AD), (2A),**
6 **(2B) and (2C)**

7 Omit “Treasurer” (wherever occurring), substitute “Minister”.

8 ***Income Tax Assessment Act 1997***

9 **33 Subsection 30-80(1) (table item 9.1.1)**

10 Omit “Treasurer”, substitute “Minister”.

11 **34 Subsections 30-85(2) and (4)**

12 Omit “Treasurer”, substitute “Minister”.

13 **35 Subsection 30-85(5)**

14 Omit “the Minister”, substitute “the Foreign Affairs Minister”.

15 **36 Subsections 30-265(4) and 30-280(1)**

16 Omit “Treasurer”, substitute “Minister”.

17 **37 Subsection 30-280(2)**

18 Omit “Treasurer and the Minister”, substitute “Minister and the
19 *Environment Minister”.

20 **38 Subsection 30-280(2)**

21 Omit “Minister has notified the Treasurer”, substitute “Environment
22 Minister has notified the Minister”.

23 **39 Subsections 30-280(4), 30-285(1), 30-289(4) and 30-289B(1)**

24 Omit “Treasurer”, substitute “Minister”.

25 **40 Subsection 30-289B(2)**

26 Omit “Treasurer and the Minister”, substitute “Minister and the
27 *Families Minister”.

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1 **41 Subsection 30-289B(2)**

2 Omit “Minister has notified the Treasurer”, substitute “Families
3 Minister has notified the Minister”.

4 **42 Subsections 30-289B(4), 30-289C(1), 30-300(6) and**
5 **30-305(1)**

6 Omit “Treasurer”, substitute “Minister”.

7 **43 Subsection 30-305(2)**

8 Omit “Treasurer and the Minister”, substitute “Minister and the *Arts
9 Minister”.

10 **44 Subsection 30-305(2)**

11 Omit “Minister has notified the Treasurer”, substitute “Arts Minister
12 has notified the Minister”.

13 **45 Subsections 30-305(4), 30-310(1) and 34-55(1) and (2)**

14 Omit “Treasurer”, substitute “Minister”.

15 **46 Subsection 52-131(9) (note)**

16 Omit “Education Department”, substitute “Department administered by
17 the Education Minister”.

18 **47 Paragraph 207-115(5)(a)**

19 Omit “Treasurer”, substitute “Minister”.

20 **48 Section 842-105 (table item 6)**

21 Omit “Treasurer”, substitute “Minister”.

22 **49 Subsection 995-1(1) (definition of *Agriculture Minister*)**

23 Repeal the definition.

24 **50 Subsection 995-1(1) (definition of *Arts Department*)**

25 Repeal the definition.

26 **51 Subsection 995-1(1) (definition of *Arts Minister*)**

27 Omit “section 1 of”.

28 **52 Subsection 995-1(1) (definition of *Arts Secretary*)**

29 Repeal the definition, substitute:

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1 *Arts Secretary* means the Secretary of the Department
2 administered by the *Arts Minister.

3 **53 Subsection 995-1(1) (definition of *Climate Change***
4 ***Department*)**

5 Repeal the definition.

6 **54 Subsection 995-1(1) (definition of *Climate Change***
7 ***Minister*)**

8 Omit “section 1 of”.

9 **55 Subsection 995-1(1) (definition of *Climate Change***
10 ***Secretary*)**

11 Repeal the definition, substitute:

12 *Climate Change Secretary* means the Secretary of the Department
13 administered by the *Climate Change Minister.

14 **56 Subsection 995-1(1) (definition of *Defence Department*)**

15 Repeal the definition.

16 **57 Subsection 995-1(1) (definition of *Defence Secretary*)**

17 Repeal the definition, substitute:

18 *Defence Secretary* means the Secretary of the Department
19 administered by the *Defence Minister.

20 **58 Subsection 995-1(1) definition of *Education Department***

21 Repeal the definition.

22 **59 Subsection 995-1(1) (definition of *Education Minister*)**

23 Omit “section 1 of”.

24 **60 Subsection 995-1(1) (definition of *Education Secretary*)**

25 Repeal the definition, substitute:

26 *Education Secretary* means the Secretary of the Department
27 administered by the *Education Minister.

28 **61 Subsection 995-1(1) (definition of *Employment***
29 ***Department*)**

30 Repeal the definition.

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1 **62 Subsection 995-1(1) (definition of *Employment Minister*)**

2 Repeal the definition.

3 **63 Subsection 995-1(1) (definition of *Employment Secretary*)**

4 Repeal the definition, substitute:

5 *Employment Secretary* means the Secretary of the Department
6 administered by the Minister administering the *Fair Work (State*
7 *Referral and Consequential and Other Amendments) Act 2009.*

8 **64 Subsection 995-1(1) (definition of *Environment***
9 ***Department*)**

10 Repeal the definition.

11 **65 Subsection 995-1(1) (definition of *Environment Minister*)**

12 Omit “section 1 of”.

13 **66 Subsection 995-1(1) (definition of *Environment Secretary*)**

14 Repeal the definition, substitute:

15 *Environment Secretary* means the Secretary of the Department
16 administered by the *Environment Minister.

17 **67 Subsection 995-1(1) (definition of *Families Department*)**

18 Repeal the definition, substitute:

19 *Families Department* means the Department administered by the
20 *Families Minister.

21 **68 Subsection 995-1(1) (definition of *Families Minister*)**

22 Repeal the definition, substitute:

23 *Families Minister* means the Minister administering the
24 *Data-matching Program (Assistance and Tax) Act 1990.*

25 **69 Section 995-1 (definition of *Foreign Affairs Minister*)**

26 Omit “section 1 of”.

27 **70 Subsection 995-1(1) (definition of *Health Department*)**

28 Repeal the definition.

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1 **71 Subsection 995-1(1) (definition of *Health Minister*)**

2 Omit “section 1 of”.

3 **72 Subsection 995-1(1) (definition of *Health Secretary*)**

4 Omit “Health Department”, substitute “Department administered by the
5 *Health Minister”.

6 **73 Subsection 995-1(1) (definition of *Heritage Department*)**

7 Repeal the definition.

8 **74 Subsection 995-1(1) (definition of *Heritage Minister*)**

9 Repeal the definition.

10 **75 Subsection 995-1(1) (definition of *Heritage Secretary*)**

11 Repeal the definition, substitute:

12 *Heritage Secretary* means the Secretary of the Department
13 administered by the Minister administering the *Australian Heritage*
14 *Council Act 2003*.

15 **76 Subsection 995-1(1) (definition of *Housing Department*)**

16 Repeal the definition.

17 **77 Subsection 995-1(1) (definition of *Housing Minister*)**

18 Repeal the definition.

19 **78 Subsection 995-1(1) (definition of *Housing Secretary*)**

20 Repeal the definition, substitute:

21 *Housing Secretary* means the Secretary of the Department
22 administered by the Minister administering the *National Rental*
23 *Affordability Scheme Act 2008*.

24 **79 Subsection 995-1(1) (definition of *Immigration*
25 *Department*)**

26 Repeal the definition, substitute:

27 *Immigration Department* means the Department administered by
28 the Minister administering the *Migration Act 1958*.

29 **80 Subsection 995-1(1) (definition of *Immigration Minister*)**

30 Repeal the definition.

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1 **81 Subsection 995-1(1) (definition of *Immigration Secretary*)**

2 Omit “Immigration Department”, substitute “*Immigration
3 Department”.

4 **82 Subsection 995-1(1) (definition of *Industry Department*)**

5 Repeal the definition, substitute:

6 *Industry Department* means the Department administered by the
7 Minister administering the *Industry Research and Development Act*
8 *1986*.

9 **83 Subsection 995-1(1) (definition of *Industry Minister*)**

10 Repeal the definition.

11 **84 Subsection 995-1(1) (definition of *Transport Department*)**

12 Repeal the definition.

13 **85 Subsection 995-1(1) (definition of *Transport Minister*)**

14 Repeal the definition.

15 **86 Subsection 995-1(1) (definition of *Transport Secretary*)**

16 Repeal the definition.

17 **87 Subsection 995-1(1) (definition of *Water Department*)**

18 Repeal the definition, substitute:

19 *Water Department* means the Department administered by the
20 *Water Minister.

21 **88 Subsection 995-1(1) (definition of *Water Minister*)**

22 Omit “section 1 of”.

23 ***Taxation Administration Act 1953***

24 **89 Subsection 2(1) (definition of *Immigration Minister*)**

25 Repeal the definition.

26 **90 Subsection 355-50(2) in Schedule 1 (table item 7)**

27 Omit “of the Treasury”.

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91 Subsection 355-65(4) in Schedule 1 (table item 7)

Repeal the item, substitute:

- 7 the Secretary of the Department is for the purpose of:
- (a) briefing the Minister in relation to a decision that the Minister may make under the *Foreign Acquisitions and Takeovers Act 1975*; or
 - (b) briefing the Minister in relation to a decision that the Minister may make in accordance with the document issued by the Minister known as Australia's Foreign Investment Policy; or
 - (c) briefing an officer of the Department who is authorised by the Minister to make a decision mentioned in paragraph (a) or (b) in relation to the decision.

92 Subsection 355-65(4) in Schedule 1 (table item 8)

Omit "of the Treasury".

93 Subsection 355-65(4) in Schedule 1 (table item 8)

Omit "that Department", substitute "the Department".

94 Paragraph 355-70(8)(a) in Schedule 1

Omit "Attorney-General's Department", substitute "Department administered by the Minister administering the *Crimes Act 1914*".

95 Transitional—amendments do not affect things done

Things done under amended provisions

- (1) Subitem (2) applies to a thing done under a provision of an Act if:
 - (a) the provision is amended by an item of this Part; and
 - (b) the thing was in force immediately before the commencement of that item.
- (2) The thing has effect, after the commencement of that item, as if it had been done under that provision as amended by that item. However, this is not taken to change the time at which the thing was actually done.

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1 *Amendments do not affect requirements for things done*

- 2 (3) Subitem (4) applies to a thing done under an Act if:
- 3 (a) the thing was in force, and complied with a requirement of
- 4 that Act, immediately before the commencement of an item
- 5 of this Part; and
- 6 (b) immediately after the commencement of that item, the thing
- 7 fails to comply with that requirement solely because of the
- 8 amendments of that Act made by that item.
- 9 (4) Disregard those amendments when considering, on and after the
- 10 commencement of that item, whether the thing complies with that
- 11 requirement.

12 *Meaning of things done*

- 13 (5) In this item, doing a thing includes:
- 14 (a) making an instrument; and
- 15 (b) making a decision.

16 **96 Rules may deal with transitional etc. matters**

- 17 (1) The Minister may, by legislative instrument, make rules prescribing
- 18 matters of a transitional nature (including prescribing any saving or
- 19 application provisions) relating to the amendments or repeals made by
- 20 this Part.
- 21 (2) This Part does not limit the rules that may be made for the purposes of
- 22 subitem (1).

23 **Division 2—Other amendments**

24 **97 Subsection 995-1(1) (definition of *Agriculture Department*)**

25 Repeal the definition, substitute:

26 *Agriculture Department* means the Department administered by

27 the Minister administering the *Farm Household Support Act 1992*.

28 Note: This item does not commence at all if the *Farm Household Support Act 2014* receives

29 the Royal Assent on or before the day this Act does.

30 **98 Subsection 995-1(1) (definition of *Agriculture Department*)**

31 Repeal the definition, substitute:

32 *Agriculture Department* means the Department administered by

33 the Minister administering the *Farm Household Support Act 2014*.

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1 Note: This item only commences if the *Farm Household Support Act 2014* receives the Royal
2 Assent.

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1 **Part 2—Amendments relating to excise**

2 *Aviation Fuel Revenues (Special Appropriation) Act 1988*

3 **99 Section 3 (definition of *index number*)**

4 Repeal the definition.

5 **100 Section 3 (definition of *relevant period*)**

6 Repeal the definition.

7 **101 Section 3 (definition of *relevant rate*)**

8 Repeal the definition.

9 **102 Section 3 (paragraph (a) of the definition of *statutory***
10 ***rate*)**

11 Repeal the paragraph, substitute:

12 (a) if a determination under subsection 3A(1) was in force at the
13 time duty was imposed on the eligible aviation fuel—the rate
14 fixed by that determination;

15 **103 Subsection 3A(1)**

16 Omit “subparagraph (a)(ii)”, substitute “paragraph (a)”.

17 **104 Subsection 3A(3)**

18 Omit “which corresponds to the method provided for by this Act for
19 indexing the relevant rate”, substitute “set out in the determination”.

20 **105 Section 5**

21 Repeal the section.

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1 **Part 3—Amendments relating to numbering**

2 *Income Tax Assessment Act 1997*

3 **106 Section 12-5 (table item headed “National Disability**
4 **Insurance Scheme”)**

5 Omit “26-100”, substitute “26-97”.

6 **107 Section 26-100 (the section 26-100 added by item 3 of**
7 **Schedule 3 to the *National Disability Insurance Scheme***
8 ***Legislation Amendment Act 2013*)**

9 Renumber as section 26-97.

10 **108 Section 26-100 (the section 26-100 added by item 8 of**
11 **Schedule 3 to the *Tax and Superannuation Laws***
12 ***Amendment (Increased Concessional Contributions***
13 ***Cap and Other Measures) Act 2013*)**

14 Renumber as section 26-98.

15 **109 Section 40-235**

16 Omit “26-100” (wherever occurring), substitute “26-97”.

17 **110 Subsection 110-38(7) (the subsection (7) added by item 6**
18 **of Schedule 3 to the *National Disability Insurance***
19 ***Scheme Legislation Amendment Act 2013*)**

20 Omit “26-100” (wherever occurring), substitute “26-97”.

21 **111 Subsection 110-38(7) (the subsection (7) added by item 9**
22 **of Schedule 3 to the *Tax and Superannuation Laws***
23 ***Amendment (2013 Measures No. 1) Act 2013*)**

24 Renumber as subsection (8).

25 **112 Subsection 110-55(9G) (the subsection (9G) inserted by**
26 **item 7 of Schedule 3 to the *National Disability***
27 ***Insurance Scheme Legislation Amendment Act 2013*)**

28 Omit “26-100” (wherever occurring), substitute “26-97”.

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- 1 **113 Subsection 110-55(9G) (the subsection (9G) inserted by**
2 **item 7 of Schedule 3 to the *National Disability***
3 ***Insurance Scheme Legislation Amendment Act 2013*)**
4 **Renumber as subsection (9H).**

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Part 4—Other amendments of principal Acts

A New Tax System (Goods and Services Tax) Act 1999

114 Section 17-15

Repeal the section.

115 Application of amendment

The amendment made by item 114 applies in relation to tax periods starting on or after the day this Act receives the Royal Assent.

116 Section 93-15

Repeal the section, substitute:

93-15 GST no longer able to be taken into account

You are not entitled to an input tax credit for a *creditable acquisition to the extent that GST on the related supply has not been taken into account in the *assessment of the supplier's *net amount for the tax period to which that GST is attributable if:

- (a) the period of review (within the meaning of section 155-35 in Schedule 1 to the *Taxation Administration Act 1953*) for that assessment has ended; and
- (b) when that period of review ended, you did not hold a *tax invoice for the creditable acquisition.

117 Application of amendment

The amendment made by item 116 applies in relation to each creditable acquisition for which the GST on the related supply is attributable to a tax period, or tax periods, starting on or after the day this Act receives the Royal Assent.

118 Subsection 111-5(3)

Repeal the subsection, substitute:

- (3) However, the acquisition is not a *creditable acquisition:
 - (a) to the extent (if any) that:
 - (i) the employee, *associate, agent, *officer or partner is entitled to an input tax credit for acquiring the thing acquired in incurring the expense; or

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- 1 (ii) the acquisition would not, because of Division 69, be a
2 creditable acquisition if you made it; or
3 (b) unless the supply of the thing acquired, by the employee,
4 associate, agent, officer or partner in incurring the expense,
5 was a taxable supply; or
6 (c) if you would, because of Division 71, not have been entitled
7 to an input tax credit if you had made the acquisition that the
8 employee, associate, agent, officer or partner made.

9 **119 Application of amendment**

10 The amendment made by item 118 applies in relation to acquisitions
11 made on or after 1 July 2000.

12 ***Fuel Tax Act 2006***

13 **120 Paragraph 43-7(2)(a)**

14 Omit “biodiesel”, substitute “*biodiesel”.

15 ***Income Tax Assessment Act 1936***

16 **121 Subsection 6(1) (definition of *income tax* or *tax*)**

17 Repeal the definition.

18 **122 Subsection 6(1)**

19 Insert:

20 *income tax* means income tax imposed as such by any Act, as
21 assessed under this Act, but, except in section 260, does not
22 include mining withholding tax or withholding tax.

23 **123 Subsection 6(1)**

24 Insert:

25 *tax* means income tax imposed as such by any Act, as assessed
26 under this Act, but does not include mining withholding tax or
27 withholding tax.

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1 *Income Tax Assessment Act 1997*

2 **124 Subsection 30-25(1) (cell at table item 2.1.2, column**
3 **headed “Special conditions—fund, authority or**
4 **institution”)**

5 Repeal the cell, substitute:

- (a) the public fund must be:
 - (i) an *Australian government agency; or
 - (ii) a *registered charity; or
 - (iii) operated by an Australian government agency or registered charity; and
- (b) the public university must satisfy the special conditions set out in item 2.1.1

6 **125 Subsection 30-45(1) (cell at table item 4.1.4, column**
7 **headed “Special conditions—fund, authority or**
8 **institution”)**

9 Repeal the cell, substitute:

the public fund must be:

- (a) a *registered charity; or
- (b) operated by a registered charity

10 **126 Subsection 30-50(1) (cell at table item 5.1.2, column**
11 **headed “Special conditions—fund, authority or**
12 **institution”)**

13 Repeal the cell, substitute:

the public institution or public fund must be:

- (a) an *Australian government agency;
or
- (b) a *registered charity; or
- (c) in the case of a public fund—
operated by an Australian government agency or registered charity

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1 **127 Subsection 30-50(1) (cell at table item 5.1.3, column**
2 **headed “Special conditions—fund, authority or**
3 **institution”)**

- 4 Repeal the cell, substitute:
the public fund must be:
- (a) an *Australian government agency;
or
 - (b) a *registered charity; or
 - (c) operated by an Australian
government agency or registered
charity

5 **128 Subsection 30-70(1) (cells at table items 8.1.1 and 8.1.2,**
6 **column headed “Special conditions—fund, authority or**
7 **institution”)**

- 8 Repeal the cells, substitute:
the public fund must be:
- (a) a *registered charity; or
 - (b) operated by a registered charity

9 **129 Application of amendments**

10 The amendments made by items 124 to 128 apply to gifts made on or
11 after 3 December 2012.

12 **130 Subsections 104-255(1) and (2)**

13 Omit “payment”, substitute “*payment”.

14 **131 Subsection 104-255(6)**

15 Omit “*carried interest”, substitute “*carried interest*”.

16 **132 Section 165-205**

17 Repeal the section, substitute:

18 **165-205 Death of share owner**

- 19 (1) If an individual beneficially owns *shares in a company when he or
20 she dies, this section applies if and while the shares:
- 21 (a) are owned by the trustee of the deceased’s estate; or
 - 22 (b) are beneficially owned by someone who receives them as a
23 beneficiary of the deceased’s estate.

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- 1 (2) For the purposes of a test:
- 2 (a) the *shares are taken to continue to be beneficially owned by
- 3 the deceased; and
- 4 (b) as a result of being taken to continue to beneficially own the
- 5 shares, the deceased is taken to continue:
- 6 (i) to have any rights to exercise, or to be able to control
- 7 (whether directly, or indirectly through one or more
- 8 interposed entities) any or all of the, voting power in the
- 9 company; and
- 10 (ii) to have any rights to receive for the deceased's own
- 11 benefit (whether directly or *indirectly) any *dividends
- 12 that the company may pay; and
- 13 (iii) to have any rights to receive for the deceased's own
- 14 benefit (whether directly or indirectly) any distributions
- 15 of capital of the company.

16 133 Application of amendment

17 The amendment made by item 132 applies to assessments for the

18 1997-98 income year and later income years.

19 134 Section 219-70

20 Repeal the section, substitute:

21 219-70 Tax offset under section 205-70

- 22 (1) For the purposes of paragraph 205-70(1)(c), if a *life insurance
- 23 company was entitled to a *tax offset under section 205-70 for a
- 24 previous income year, assume section 63-10 applied to the part of
- 25 the company's basic income tax liability for that previous income
- 26 year that was attributable to its shareholders.
- 27 (2) In working out the part of the company's basic income tax liability
- 28 that was attributable to its shareholders, have regard to the
- 29 company's accounting records.

30 Example: The following apply to a life insurance company that satisfies the

31 residency requirement for an income year:

- 32 (a) the company has a tax offset of \$60,000 under section 205-70
- 33 (the franking deficit offset) for that year;
- 34 (b) the company's basic income tax liability for that year would be
- 35 \$100,000 if the franking deficit offset were disregarded;
- 36 (c) 20% of the \$100,000 is attributable to the company's
- 37 shareholders (the shareholders' part).

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1 As a result of applying \$20,000 of the franking deficit offset to reduce
2 the shareholders' part to nil, the company's basic income tax liability
3 becomes \$80,000. The remaining \$40,000 of the offset will be
4 included in a franking deficit tax offset for the next income year for
5 which the company satisfies the residency requirement.

6 **135 Subsection 219-75(1) (note)**

7 Omit "amount mentioned in paragraph 219-70(1)(b)", substitute
8 "company's basic income tax liability mentioned in
9 subsection 219-70(1)".

10 **136 Subsection 219-75(2) (method statement, step 1)**

11 Omit "amount mentioned in paragraph 219-70(1)(b)", substitute
12 "company's basic income tax liability mentioned in
13 subsection 219-70(1)".

14 **137 Subsection 219-75(2) (method statement, step 1) (note)**

15 Omit "paragraph 219-70(1)(b)", substitute "that subsection".

16 **138 Application of amendment**

17 The amendments made by items 134 to 137 apply in relation to the
18 2006-07 income year and later income years.

19 **139 Section 355-400 (note 1)**

20 Omit "arms' length", substitute "arm's length".

21 **140 Paragraph 701-55(2)(d)**

22 Omit all the words after "joining entity's terminating value", substitute:
23 for the asset—either:

- 24 (i) the *head company were required to choose at that time
25 an effective life for the asset in accordance with
26 subsections 40-95(1) and (3), and any choice of an
27 effective life determined by the Commissioner were
28 limited to one in force at that time; or
29 (ii) an effective life for the asset were worked out under
30 subsection 40-95(7), (8), (9) or (10) at that time; and

31 **141 Paragraph 709-185(1)(c)**

32 Repeal the paragraph, substitute:

- 33 (c) an amount (the *joining entity's excess*) of the offset remains
34 after applying section 63-10 (about the tax offset priority)

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rules) to the joining entity's basic income tax liability for that income year.

142 Subsection 709-185(2)

Repeal the subsection, substitute:

Transfer of excess to head company

- (2) For the purpose of applying subsection 205-70(1) to the *head company of the *consolidated group for the income year in which the joining time occurs:
- (a) if, as described in paragraph 205-70(1)(c), an amount of a *tax offset remains after applying section 63-10—that amount is taken to be increased by the amount of the joining entity's excess; or
 - (b) otherwise:
 - (i) paragraph 205-70(1)(c) is taken to apply to the head company; and
 - (ii) the remaining amount of a tax offset covered by that paragraph is taken to be the amount of the joining entity's excess.

Note: Paragraph 205-70(1)(c) refers to tax offsets under section 205-70.

- (2A) In working out whether paragraph (2)(a) applies, take into account any application of this section to any other entity that became a *subsidiary member of the group before the joining time.

143 Paragraph 709-190(b)

Repeal the paragraph, substitute:

- (b) an amount (the *excess*) of the offset remains after applying section 63-10 (about the tax offset priority rules) to the head company's basic income tax liability for that income year; and

144 Paragraph 709-190(d)

Omit "excess mentioned in paragraph (b)", substitute "excess".

145 Application of amendments

The amendments made by items 141 to 144 apply in relation to the 2006-07 income year and later income years.

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146 Subsection 709-215(4) (after table item 4)

Insert:

- | | | | |
|----|---|----------------------|------------------|
| 4A | Both these conditions are met: | The start of | The end of the |
| | (a) the entity that is owed the debt for the debt test period is the *subsidiary member of a *consolidated group; | the debt test period | debt test period |
| | (b) the period ends when the entity ceases to be a *member of the group without becoming a member of another consolidated group | | |

147 Application of amendment

The amendment made by item 146 applies in relation to debt test periods starting on or after 1 July 2002.

Superannuation Guarantee (Administration) Act 1992

148 Paragraph 10(3)(a)

Before “benefits”, insert “the minimum”.

Superannuation Industry (Supervision) Act 1993

149 Paragraph 71(1)(g)

After “business real property”, insert “(within the meaning of subsection 66(5))”.

150 Transitional provision—in-house assets

- (1) For an asset that was an asset of a superannuation fund during any part of the period:
- (a) starting on 7 July 2010; and
 - (b) ending on the day before the commencement of this [Part];
- paragraph 71(1)(g) of the *Superannuation Industry (Supervision) Act 1993* applies as if the expression ***business real property*** of the fund had the same meaning in that paragraph as it had in subsection 66(5) of that Act.
- (2) This item has effect despite item 9 of Schedule 1 to the *Superannuation Industry (Supervision) Amendment Act 2010*.

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Taxation Administration Act 1953

151 Subsection 8AAZLGA(7) (note)

Omit “14ZW(1)(aac)”, substitute “14ZW(1)(aad)”.

152 Paragraph 8C(1)(a)

Omit “an approved form or”.

153 Paragraph 14ZW(1AABA)(b)

Omit “a payments”, substitute “a payment”.

Note: This item fixes a grammatical error.

154 Paragraph 15-30(d) in Schedule 1

Omit “prescribed”.

155 Subsection 15-50(1) in Schedule 1 (heading)

Repeal the heading, substitute:

Declarations about matters

156 Paragraph 15-50(1)(b) in Schedule 1

Omit “prescribed”.

157 Paragraph 15-50(2)(b) in Schedule 1

Omit “a prescribed”, substitute “any”.

158 Paragraph 15-50(3)(b) in Schedule 1

Omit “prescribed”.

159 Paragraph 15-50(4)(a) in Schedule 1

Repeal the paragraph.

160 Transitional—existing declarations

(1) This item applies to a declaration:

(a) given under subsection 15-50(1) or (3) in Schedule 1 to the
Taxation Administration Act 1953; and

(b) in effect immediately before the commencement of this item.

(2) The declaration has effect, after the commencement of this item, as if it had been given under that subsection as amended by this Act.

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1 **161 Paragraph 45-235(1)(a) in Schedule 1**

2 Omit “former paragraph 45-115(1)(c) or 45-175(1)(b)”, substitute
3 “paragraph 45-115(1)(c) or former paragraph 45-175(1)(b)”.

4 **162 Subsection 155-15(1) in Schedule 1 (cell at table item 3,**
5 **column 3)**

6 Repeal the cell, substitute:
return, given as described in
one of the following
provisions, in relation to the
importation:
(a) paragraph 69(8)(a), (b) or
(c), or 70(7)(a), of the
Customs Act 1901;
(b) regulations prescribed
for the purposes of
paragraph 69(8)(d) of
that Act

7 **163 Application of amendment**

8 The amendment made by item 162 applies in relation to GST payable
9 on or after the day this Act receives the Royal Assent on taxable
10 importations.

11 **164 Section 280-170 in Schedule 1**

12 Omit “*Division 293 tax,,”, substitute “*Division 293 tax,”.

13 **165 Paragraph 298-5(c) in Schedule 1**

14 Omit “section 426-120”, insert “section 420-5 or 426-120”.

15 **166 Subsection 340-10(2) in Schedule 1 (table item 3)**

16 Omit “or 170AA”, substitute “, former section 170AA”.

17 **167 Subsection 355-65(2) in Schedule 1 (table item 5A)**

18 Repeal the item, substitute:

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5A the *Families Secretary or the Chief Executive Centrelink (within the meaning of the *Human Services (Centrelink) Act 1997*) is for the purpose of administering the *Paid Parental Leave Act 2010*.

1 **168 Application of amendment**

2 The amendment made by item 167 applies to records and disclosures of
3 information made on or after 1 July 2011 (whenever the information
4 was acquired).

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1 **Part 5—Other amendments of amending Acts**

2 *Minerals Resource Rent Tax (Consequential Amendments* 3 *and Transitional Provisions) Act 2012*

4 **169 Item 16 of Schedule 3**

5 Omit “*mining operations”, substitute “mining operations”.

6 *New Business Tax System (Consolidation, Value Shifting,* 7 *Demergers and Other Measures) Act 2002*

8 **170 Item 34 of Schedule 13 (heading)**

9 Omit “(definition of *surplus*)”.

10 **171 Item 34 of Schedule 13**

11 Omit “Repeal the definition, substitute:”, substitute “Insert:”.

12 **172 Item 19 of Schedule 15 (heading)**

13 Repeal the heading, substitute:

14 **19 After Division 976**

15 *Superannuation Legislation Amendment (Stronger Super)* 16 *Act 2012*

17 **173 After subitem 20(1) of Schedule 1**

18 Insert:

19 (2A) Subject to subitems (2), (3) and (3A), the amendments made by this
20 Schedule apply in relation to an entity that is an employer in relation to
21 conduct that occurs on or after 1 July 2015.

22 **174 After subitem 20(3) of Schedule 1**

23 Insert:

24 (3A) The amendments made by this Schedule apply in relation to an entity in
25 relation to conduct that occurs on or after a day (the *test day*) in the
26 period beginning on 2 July 2014 and ending on 30 June 2015 if:

27 (a) neither of subitems (2) and (3) apply to the entity; and

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-
- 1 (b) the entity starts to be an employer on the test day; and
2 (c) at a time on the test day, the entity is a medium to large
3 employer.

4 ***Tax Laws Amendment (2009 Budget Measures No. 2) Act***
5 ***2009***

6 **175 Item 55 of Schedule 1 (heading)**

7 Omit “note”, substitute “note 1”.

8 ***Tax Laws Amendment (2011 Measures No. 9) Act 2012***

9 **176 Item 29 of Schedule 6**

10 Repeal the item, substitute:

11 **29 Paragraph 8C(1)(a)**

12 Omit “furnish”, substitute “give”.

13 **29A Paragraph 8C(1)(a)**

14 After “information”, insert “or document”.

15 **177 Item 83 of Schedule 6 (heading)**

16 Omit “*untaxed Commonwealth entity*”, substitute “*untaxable*
17 *Commonwealth entity*”.

18 **178 Item 140 of Schedule 6 (heading)**

19 Omit “after table item headed “life-insurance companies””,
20 substitute “before table item headed “resale royalty collecting
21 societies””.

22 ***Tax Laws Amendment (2012 Measures No. 3) Act 2012***

23 **179 Item 12 of Schedule 1**

24 Repeal the item, substitute:

25 **12 Subsection 15-10(2) in Schedule 1**

26 After “12-FB”, insert “, 12-FC”.

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1 ***Tax Laws Amendment (2012 Measures No. 6) Act 2013***

2 **180 Section 4**

3 Before “Section 170”, insert “(1)”.

4 **181 At the end of section 4**

5 Add:

6 (2) Section 170 of the *Income Tax Assessment Act 1936* does not
7 prevent the amendment of an assessment if:

8 (a) the assessment was made before the commencement of this
9 subsection; and

10 (b) the amendment is made within 2 years after that
11 commencement; and

12 (c) the amendment is made for the purposes of giving effect to
13 item 30 or 31 of Schedule 8 (about farm management
14 deposits) to this Act.

15 ***Tax Laws Amendment (Research and Development) Act 2011***

16 **182 Item 49 of Schedule 3**

17 Omit “73G(1),”, substitute “73G(1)”.

18 **183 Item 50 of Schedule 3**

19 Omit “73G,”, substitute “73G”.